

## **REMARKS**

Claims 1-40 are pending in the present application with claims 1, 12, 17, 21, 28, and 37 being the independent claims. Claims 1-40 are rejected. Claims 1, 12, 17, 18, 21, 28, and 37 have been amended. No new matter has been added.

In the Final Rejection issued October 10, 2008, claims 1-40 are rejected under 35 U.S.C. §103(a). Applicants respectfully request reconsideration and withdrawal of the final rejection of the claims, consistent with the following remarks.

### **Claim Rejections under 35 U.S.C. §103**

In the Final Rejection, claim 1-3, 6-8, 11-19, 28, 29, 33, and 34-37 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over a CNN.com webpage dated January 29, 2003 (hereinafter referred to as “CNN”) in view of U.S. Patent Application Publication No. 2004/0087326 issued to Dunko *et al.* (hereinafter referred to as “Dunko”), in further view of U.S. Patent Application Publication No. 2004/0039781 issued to LaVallee *et al.* (hereinafter referred to as “LaVallee”). This rejection is respectfully traversed.

Independent claims 1, 12, and 17 have been amended to further clarify the claimed subject matter. These claims recite the features of “determining that the recipient is one of a subscriber to a service associated with the content sharing system and a subscriber to a second telecommunications system” and “based on at least one of the received information and the determination that the recipient is one of the subscriber to the service associated with the content sharing system and the subscriber to the second telecommunications system, generating a content share message for transmittal to the mobile device of the recipient, wherein the content share message includes an indication of the identified content that the user wishes to share with the recipient, wherein, if the recipient is the subscriber to the service associated with the content sharing system, generating the content share message in a first protocol, and if the recipient is the subscriber to the second telecommunications system, generating the content share message in a second protocol”, or features substantially similar Applicants respectfully assert that the cited references do not disclose or suggest these features of claims 1, 12, and 17.

The Final Rejection asserts that LaVallee discloses determining whether the recipient is configured to access the content sharing system. However, the cited sections of LaVallee, paragraphs [0024] and [0035], merely describe authenticating a user of LaVallee's system. The use of user names and passwords and public and private key encryption are listed as possible authentication schemes. These sections of LaVallee do not disclose or suggest determining that the recipient is one of a subscriber to a service associated with the content sharing system and a subscriber to a second telecommunications system. Moreover, these sections of LaVallee do not disclose or suggest if the recipient is the subscriber to the service associated with the content sharing system, generating the content share message in a first protocol, and if the recipient is the subscriber to the second telecommunications system, generating the content share message in a second protocol. CNN and Dunko fail to cure this deficiency of LaVallee.

In order for a reference or references to anticipate or render a claim obvious, they must teach and/or suggest all of the recited elements as well as the arrangements of those elements. CNN, Dunko, and LaVallee, either alone or in combination, do not disclose or suggest all the elements of claims 1, 12, and 17. Accordingly, Applicants respectfully submit that claims 1, 12, and 17 are allowable over the cited art, and request reconsideration and withdrawal of the rejection of claims 1, 12, and 17 under 35 U.S.C. §103(a).

Independent claims 28 and 37 have been amended to further clarify the claimed subject matter. These claims recite the feature of "the content sharing application determines that the recipient device is one of a subscriber to a service associated with the content sharing system and a subscriber to a second mobile service provider", or features substantially similar. Applicants respectfully assert that the cited references do not disclose or suggest these features of claims 28 and 37.

The Final Rejection asserts that LaVallee, at paragraphs [0024] and [0035], discloses a content sharing application determines whether the recipient device is configured to interact with the content sharing application. However, as set forth above, these sections of LaVallee merely described authenticating a user. Neither of these sections of LaVallee disclose or suggest determining that a recipient device is one of a subscriber to a service associated with the content sharing system and a subscriber to a second mobile service provider. CNN and Dunko fail to cure this deficiency of LaVallee.

In order for a reference or references to anticipate or render a claim obvious, they must teach and/or suggest all of the recited elements as well as the arrangements of those elements. CNN, Dunko, and LaVallee, either alone or in combination, do not disclose or suggest all the elements of claims 28 and 37. Accordingly, Applicants respectfully submit that claims 28 and 37 are allowable over the cited art, and request reconsideration and withdrawal of the rejection of claims 28 and 37 under 35 U.S.C. §103(a).

In the Final Rejection, claim 21, 22, and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Dunko in view of U.S. Patent No. 6,047,327 issued to Tso *et al.* (hereinafter referred to as “Tso”), in further view of LaVallee. This rejection is respectfully traversed.

Independent claim 21 has been amended to further clarify the claimed subject matter. Claim 21 recites the feature of “at least one of the multiple gateways is configured for determining that each of the mobile devices is one of a subscriber to a service associated with the content sharing application and a subscriber to a second mobile device telecommunication network.” Applicants respectfully assert that the cited references do not disclose or suggest this features of claim 21.

The Final Rejection asserts that LaVallee, at paragraphs [0024] and [0035], discloses a content sharing application determines whether the recipient device is configured to interact with the content sharing application. However, as set forth above, these sections of LaVallee merely described authenticating a user. Neither of these sections of LaVallee disclose or suggest a gateway configured for determining that each of the mobile devices is one of a subscriber to a service associated with the content sharing application and a subscriber to a second mobile device telecommunication network. Tso and Dunko fail to cure this deficiency of LaVallee.

In order for a reference or references to anticipate or render a claim obvious, they must teach and/or suggest all of the recited elements as well as the arrangements of those elements. Dunko, Tso, and LaVallee, either alone or in combination, do not disclose or suggest all the elements of claim 21. Accordingly, Applicants respectfully submit that claim 21 is allowable over the cited art, and request reconsideration and withdrawal of the rejection of claim 21 under 35 U.S.C. §103(a).

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**PATENT  
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PROCEDURE PURSUANT TO  
37 CFR § 1.116**

Applicants acknowledge that the Final Rejection establishes additional grounds for rejection of the remaining claims, all of which are dependent upon claims 1, 12, 17, 21, 28, and 37, either directly or indirectly. However, in view of the amendments and traversals set forth with respect to the independent claims, as well as the features of the dependent claims, Applicants believe that all such dependent claims are in condition for allowance, rendering the rejection of those claims moot. Applicants believe that this response completely and accurately addresses all grounds of rejection. Applicants reserve the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully submit that this application, including claims 1-40, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at this telephone number listed below

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